

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**FEDERAL DEPOSIT  
INSURANCE CORPORATION,  
As Receiver for TierOne Bank,**  
  
**Plaintiff.**

**v.**

**Case No. 8:13-CV-168**

**RICK D. LANGE, as Chapter 7 Trustee  
of the Bankruptcy Estate of TierOne  
Corporation,**  
  
**Intervenor,**

**v.**

**GILBERT G. LUNDTROM;  
DAVID L. HARTMAN; JAMES  
A. LAPHEN; RANDALL B. KIDD;  
DELMAR E. WILLIAMS; CHARLES  
R. HOSKINS; CAMPBELL R.  
MCCONNELL; and ANN L. SPENCE,**  
  
**Defendants.**

**MOTION FOR DISMISSAL WITH PREJUDICE**

TO THE HONORABLE COURT:

The matters in issue in the above-entitled action have been resolved by and between Plaintiff FEDERAL DEPOSIT INSURANCE CORPORATION, Defendants GILBERT G. LUNDTROM; DAVID L. HARTMAN; JAMES A. LAPHEN; RANDALL B. KIDD; DELMAR E. WILLIAMS; CHARLES R. HOSKINS; CAMPBELL R. MCCONNELL; and ANN L. SPENCE, and Intervenor RICK D. LANGE, as Chapter 7 Trustee of the Bankruptcy Estate of TierOne Corporation (collectively “the Parties”).

Thus, the Parties now file this *Motion for Dismissal with Prejudice* and request the Court to enter an Agreed Order of Dismissal. The Parties also agree that all parties shall bear their own attorneys' fees and costs incurred in the Lawsuit and a complete record is waived.

Agreed to by:

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as Receiver for TierOne  
Bank, Plaintiff

By: /s/ David Mullin

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